

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:04CR292
	)	
v.	)	
	)	
RAMON HUMBERTO GASPAR-	)	MEMORANDUM AND ORDER
HERNANDEZ,	)	
	)	
Defendant.	)	

This matter is before the court on defendant's motion (filing no. 56) to voluntarily dismiss filing no. 50, his "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a person in Federal Custody" (§ 2255). The motion is granted and defendant's § 2255 motion is dismissed without prejudice.

IT IS ORDERED:

1. That defendant's motion to dismiss his § 2255 motion (filing no. 56) is granted;  
and
2. The Clerk of Court is directed to send a copy of this Memorandum and Order to defendant at his last-known address.

DATED this 6<sup>th</sup> day of February, 2007.

BY THE COURT:

s/Joseph F. Bataillon  
Chief United States District Judge